



1 of 3

#24  
Kenda  
7/14/00

PTO/SB/31 (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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**NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)  
CMCC 533

In re Application of <b>Merton Bernfield</b>	
<b>Application Number</b> <b>08/965,356</b>	<b>Filed</b> <b>November 6, 1999</b>
<b>For METHODS AND REAGENTS FOR REGULATING OBESITY</b>	
<b>Group Art Unit</b> <b>1632</b>	<b>Examiner</b> <b>A. Baker</b>

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, February 1, 2000, rejecting the following claims: 1, 3-6, 10 and 12-15

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 300.00

- Applicant is a small entity under 37 CFR 1.9 and 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$150.00

A statement of small entity status under 37 CFR 1.27:

- is enclosed.  
 has already been filed in this application.

- A check in the amount of the fee is enclosed.

The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 01-2507. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

- applicant.  
 assignee of record of the entire interest.  
 attorney or agent of record.  
 attorney or agent acting under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a).

**Signature**

Patrea L. Pabst

Typed or printed name  
Reg. No. 31,284

June 30, 2000

Date

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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U.S.S.N. 08/965,356

Filed: November 6, 1999

"METHODS AND REAGENTS FOR REGULATING OBESITY"

APPEAL BRIEF

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

on June 30, 2000

Date

  
A handwritten signature in cursive script that reads "Jean Hicks".

Signature

Jean Hicks

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.



Please type a plus sign (+) inside this box →

GP1632 AF \$ +

Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission **3**

**Application Number** 08/965,356

**Filing Date** November 6, 1999

**First Named Inventor** Merton Bernfield

**Group Art Unit** 1632

**Examiner Name** A. Baker

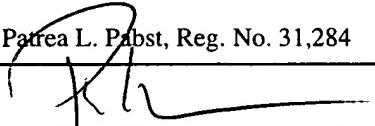
**Attorney Docket Number** CMCC 533

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### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund <b>Remarks</b>	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below):
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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Patrea L. Pabst, Reg. No. 31,284
Signature	
Date	June 30, 2000

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: June 30, 2000

Typed or printed name **Jean Hicks**

Signature **[Signature]** Date **June 30, 2000**

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# FEE TRANSMITTAL for FY 2000

*Patent fees are subject to annual revision.*

*Small Entity payments must be supported by a small entity statement; otherwise large entity fees must be paid. See Forms PTO/SB/09-12.*

**TOTAL AMOUNT OF PAYMENT** (\$ 150.00)

## Complete if Known

Application Number	08/965,356
Filing Date	November 6, 1999
First Named Inventor	Merton Bernfield
Examiner Name	A. Baker
Group / Art Unit	1632
Attorney Docket No.	CMCC 533

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 01-2507  
Deposit Account Name Arnall Golden & Gregory, LLP

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

2.  Payment Enclosed:

Check  Money Order  Other

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	
127	50	227 25 Surcharge - late provisional filing fee or cover sheet.	
139	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	
116	380	216 190 Extension for reply within second month	
117	870	217 435 Extension for reply within third month	
118	1,360	218 680 Extension for reply within fourth month	
128	1,850	228 925 Extension for reply within fifth month	
119	300	219 150 Notice of Appeal	150.00
120	300	220 150 Filing a brief in support of an appeal	
121	260	221 130 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive - unavoidable	
141	1,210	241 605 Petition to revive - unintentional	
142	1,210	242 605 Utility issue fee (or reissue)	
143	430	243 215 Design issue fee	
144	580	244 290 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Petitions related to provisional applications	
126	240	126 240 Submission of Information Disclosure Stmt	
581	40	581 40 Recording each patent assignment per property (times number of properties)	
146	690	246 345 Filing a submission after final rejection (37 CFR 1.129(a))	
149	690	249 345 For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify) \_\_\_\_\_

\*\*Represents the difference between the fee for a  month extension of time and a  month extension of time.

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

## SUBMITTED BY

Typed or Printed Name

Patreia L. Pabst

Complete (if applicable)

Reg. Number 31,284

Signature

Date 6/30/00

Deposit Account User ID 01-2507

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